

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

David Swain,	:	Case No. 3:07CV3891
	:	
Plaintiff	:	Judge David A. Katz
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Commissioner of Social Security,	:	MEMORANDUM OPINION
	:	AND ORDER
Defendant	:	

On July 30, 2008 this Court entered a Memorandum Opinion and Order noting that plaintiff's counsel had failed to comply with Magistrate Judge Armstrong's scheduling order as to the date for filing a submission on behalf of the plaintiff, and granted an extension to August 8, 2008.

On August 7, 2008 counsel submitted a motion for continuance, asserting that he had not received a copy of Judge Armstrong's order,¹ requesting an extension to August 22nd to file his submission. This Court granted that motion.

On August 22nd the plaintiff's brief on the merits was submitted. It is thirty-five pages in length.

Local Rule 7.1(f) provides in pertinent part that "Without prior approval of the Judicial Officer for good cause shown memoranda relating to dispositive motions must not exceed. . .twenty (20) pages for administrative. . .cases." Plaintiff's submission exceeds that limit by 75%.

¹How that could be considering that the docket reflects that Judge Armstrong's Order was entered into the ECF system on April 1, 2008 is hard to fathom.

This Court has skimmed plaintiff's submission, and believes that what counsel has taken thirty-five pages to present could just as well have been presented in a brief that complied with Rule 7.1(f).

This being so, the brief filed on August 22nd is ordered stricken from the record. Counsel is granted to September 19, 2008 to submit a brief that does not exceed the twenty-page limit of Rule 7.1(f).

IT IS SO ORDERED

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: September 8, 2008